

RECEIVED

SEP 21 2016

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

James S. Scott Sr.

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Municipal Manager Alexander Mirabella
Raymond Berio - Parks Dir.
Christopher Monahan - Supervisor

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Street Address
City and County
State and Zip Code
Telephone Number

~~James S. Scott Sr.~~ James S. Scott Sr.
363 Russell St.
Vauxhall N.J.
07088
908-884-4671

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

Scotch Plains Township
Municipality
430 Park Ave.
Scotch Plains
N.J. 07076
908-322-6700 ext. 313

Defendant No. 2

Name
Job or Title
(if known)
Street Address
City and County

Alexander Mirabolla
Municipal Manager
430 Park Ave.
Scotch Plains, Union County,
07076

State and Zip Code
Telephone Number
E-mail Address
(if known)

N.J. 07076 ext
908-322-6700-313

Defendant No. 3

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

Raymond Poerio
Dir. of Parks & Recreation
430 Park Ave.
Scotch Plains
N.J. 07076
908-322-6700 ext. 221

Defendant No. 4

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

Christopher Monahan
Facility Manager/Supervisor
430 Park Ave.
Scotch Plains
N.J. 07076
908-322-6700 ext. 221

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name
Street Address
City and County
State and Zip Code
Telephone Number

Scotch Plains Township
~~James S. Scott Sr.~~
430 Park Ave.
Scotch Plains,
N.J. 07076
908-322-6700 ext 313

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

Harassment, Creating a hostile work Place

- ☒ Relevant state law (specify, if known):

Harassment, Creating a hostile Work Place

- ☒ Relevant city or county law (specify, if known):

Harassment, Creating a hostile Work Environ-
ment

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (specify): Harassment, Hostile Work Environment

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) August 2001, December 2005, August - 2015, September 2015

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age. My year of birth is 3/14/47. (Give your year of birth only if you are asserting a claim of age discrimination.)
- ☒ disability or perceived disability (specify disability) L5 L4-S1 herniated in lower back

- E. The facts of my case are as follows. Attach additional pages if needed.

Municipal Manager Alexander Mirabka, and
Director of Parks and Recreation allowed
Christopher Monahan to harass and create
a hostile environment against me even though
grievances were written to them of how
I was being treated

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

September 21, 2015, ~~01/08/16~~

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date)

July 06 2016

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$150,000, I continue to feel apprehensive in the Company of Christopher Monahan, and that upper management has not to this date addressed any of my grievances. Punitive damages is because Christopher Monahan is the reason why I got injured on 9/9/15 where I needed ~~not~~ medical attention (Heat Exhaustion) Neglect

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/21, 2016

Signature of Plaintiff

Printed Name of Plaintiff

James S. Scott
James S. Scott

B. For Attorneys

Date of signing: 9/21, 2016

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

Pro-Se James S. Scott
James S. Scott